

HOUSE BILL 950

By Swann

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 6; Title 7; Title 10; Title 65; Title 67 and Title
68, relative to communications services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-25-102(3), is amended by
deleting the subdivision and substituting instead the following:

(3) "Community utility services" includes:

(A) Broadband internet and related services; and

(B) Telecommunications services, including, but not limited to, television
communication services of any kind and by any means, television programming
and decryption services, selling, leasing, both as lessor and lessee, servicing and
repairing related equipment, including TV antenna dishes, and the furnishing for
any purpose to itself or to others, including other cooperatives, information and
data relative to its or their other purposes, including, if such is the case, the
primary purpose;

SECTION 2. Tennessee Code Annotated, Section 65-25-134(a), is amended by
deleting the subsection and substituting instead the following:

(a)

(1) Every cooperative has the power and is authorized, acting through
its board of directors, to acquire, construct, own, improve, operate, lease,
maintain, sell, mortgage, pledge or otherwise dispose of:

(A) Any system, plant, or equipment for the provision of:

(i) Telephone or telegraph;

(ii) Telecommunications services within the cooperative's service area; or

(iii) Broadband internet access or related services; or

(B) Any other like system, plant, or equipment within the service area of the cooperative and in compliance with chapters 4 and 5 of this title, and all other applicable state and federal laws and rules.

(2) Notwithstanding § 65-4-101(6)(A)(vi) or any other provision of this code or of any private act to the contrary, to the extent that any cooperative provides any of the services authorized by this section, the cooperative is subject to regulation by the Tennessee regulatory authority in the same manner and to the same extent as other certificated providers of the services authorized by this subsection (a), including, without limitation, rules or orders governing anti-competitive practices, and is considered as and has the duties of a public utility, as defined in § 65-4-101, but only to the extent necessary to effect such regulation and only with respect to the cooperative's provision of the services authorized by this subsection (a).

SECTION 3. Tennessee Code Annotated, Section 65-36-108(b), is amended by deleting the language ", to provide pager services, or to operate as an internet service provider" and substituting instead the language ", or to provide pager services".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.